

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant: Willie W. Ng ) On Appeal to the  
Patent Application No.: 10/766,103 ) Board of Appeals  
Filed: 01/27/2004 )  
For: " A Wavelength Reconfigurable Laser..." ) Group Art Unit: 2828  
 ) Examiner: Van Roy, Tod  
 ) Date: September 2, 2008  
 )

## Response to Notice of Non-Compliant Appeal Brief

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the official action of 27 August 2008. In the official action the Examiner asserts that the Appeal Brief previously filed in this application did not include a statement regarding the status of the claims. With all due respect, that assertion is believed to be in error. Please see page 2 of the original appeal brief. It should have been more than clear that since Claims 1, 3-17, 19-23, 26, 29 and 31-39 as the subject of the appeal, that they had been finally rejected. Nevertheless in a spirit of cooperation the appeal brief has been revised to use the words "finally rejected" with respect to these claims.

The revised appeal brief is being filed with this response.

Respectfully submitted,

/Richard P. Berg/

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2 September 2008  
(Date of Transmission)

Stacey Dawson  
(Name of Person Transmitting)

/Stacey Dawson/  
(Signature)

2 September 2008  
(Date)

Encls:

Appeal Brief (Revised)